

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RHONDA GARNER D/B/A DÉCOR
SPECIALTIES, ON BEHALF OF HERSELF AND
ALL OTHERS SIMILARLY SITUATED,

Plaintiffs,

- against -

MBF LEASING, LLC, LINA KRAVIC, BRIAN
FITZGERALD, SAM BUONO, AND WILLIAM
HEALY,

Defendants.

07 CV 5607 (CM) (RLE)

**DECLARATION OF BRIAN FITZGERALD IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS
THE FIRST AMENDED CLASS ACTION COMPLAINT**

I, BRIAN FITZGERALD, declare the following to be true:

1. I am currently the Executive Vice President of Business Development for MBF Leasing, LLC, the New York LLC that is named as a defendant in this action ("MBF LLC"). Although the main office of MBF LLC is located in New York City, my office is located at 283 West 83rd Street, Burr Ridge, Illinois, 60527, I have never had an office in the State of New York.

2. I became an employee of MBF LLC on January 19, 2006. I understand that the claims asserted in the Amended Complaint involve an equipment finance lease and related guaranty (the "Lease") that Plaintiff, Rhonda Garner, executed on January 5, 2005. I was not an employee of MBF LLC at the time when the Lease was entered into, and did not become an employee of MBF LLC for more than a year afterward. I had

absolutely no involvement with or knowledge of Ms. Garner or the Lease, until being named in this action as a defendant.


3. I have never met Ms. Garner; I have never spoken with her; and I have never had any other communication with her. I have not had any personal involvement in the collection or enforcement activities described in the Amended Complaint.

4. Since being employed by MBF LLC, I have been to New York on business exactly once, to attend a meeting in New York City. That meeting took place shortly after I became an employee of MBF LLC. The meeting had nothing to do with Ms. Garner or the Lease. Other than that one instance, I have been to New York exactly one other time during the holidays for a vacation.

5. I do not sign lease contracts on behalf of MBF LLC and I do not regularly transact any business in New York. I have never signed a lease on behalf of MBF LLC.

6. I have never lived in New York. I have lived my entire life in Oak Park, Illinois. I do not own any property in New York, do not have a bank account in New York, and do not have a mailing address in New York.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and this Declaration was executed by me on the 4th day of April, 2008.


BRIAN FITZGERALD